

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
HELENA DIVISION

FILED
AUG 06 2018
Clerk, U.S. District Court
District Of Montana
Missoula

SHANE PADDOCK,

Plaintiff,

vs.

M.S.P., MONTANA STATE, and
MONTANA BOARD OF PARDONS
AND PAROLE MEMBERS
CARTER, CRUSE, and BELL,

Defendants.

CV 18-54-H-DLC-JTJ

ORDER

United States Magistrate Judge John Johnston entered Findings and Recommendations in this case on May 29, 2018 recommending that this case be dismissed. Plaintiff Shane Paddock (“Paddock”) failed to timely object to the findings and recommendations, and so waived the right to de novo review of the record. 28 U.S.C. § 636(b)(1). The Court will therefore review the record for clear error. *McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981).

After reviewing the record and finding no clear error, this Court agrees with Judge Johnston that the Defendants Carter, Cruse and Bell are entitled to immunity and that Paddock’s claims against Montana State Prison and the State of Montana

are barred by the Eleventh Amendment.

Accordingly, IT IS ORDERED that Judge Johnston's Findings and Recommendations (Doc. 6) are ADOPTED IN FULL.

- (1) This matter is DISMISSED.
- (2) The Clerk of Court is directed to close this matter and enter judgment in favor of Defendant pursuant to Rule 58 of the Federal Rules of Civil Procedure.
- (3) The Clerk of Court is directed to have the docket reflect that the Court certifies pursuant to Rule 24(a)(3)(A) of the Federal Rules of Appellate Procedure that any appeal of this decision would not be taken in good faith. The record makes plain the instant Complaint is frivolous as it lacks arguable substance in law or fact.

DATED this 6th day of August, 2018.



Dana L. Christensen, Chief Judge
United States District Court